

REMARKS

Rejection under 35 U.S.C. §102(b)

Claims 34 – 43 have been cancelled without prejudice.

Rejection under 35 U.S.C. §103(a)

Claims 1-26 and 33-51 are rejected as obvious over van der Wolf, et al., U.S. Patent No. 3,957,328 (“van der Wolf”) in view of Anderson, U.S. Patent No. 4,449,948 (“Anderson”). The combination of van der Wolf with Anderson is improper since there is no motivation or suggestion from either of the references to combine the references as relied upon by the examiner. Furthermore, van der Wolf teaches away from the asserted combination with Anderson.

van der Wolf discloses an amalgam in the form of a liquid or paste which must be introduced into the exhaust tube by a needle and spread evenly on the inner surface of the exhaust tube through the tube’s rotation or in some cases, a jet of non-reactive gas (Col. 3, ll. 17-34). This effectively increases the surface area of the amalgam to promote the dosing of mercury into the light emitting chamber. As asserted by the examiner, Anderson discloses solid, spherical amalgam pellets for dosing mercury in lamps. The examiner asserts that it would have been obvious to one of ordinary skill in the art to provide the amalgam of van der Wolf in the form of pellets whereby the dosage can be more accurately controlled. The examiner is incorrect. There is no teaching, disclosure or motivation thereof in van der Wolf that would suggest using an amalgam in the form of a pellet; rather, van der Wolf teaches evenly spreading an amalgam in the form of a paste or liquid on the inside surface of the exhaust tube. This teaches away from using an

amalgam in the form of a pellet which cannot reasonably be used to spread or disperse in a thin coat on the inner wall of the exhaust tube. Furthermore, there is no teaching, disclosure or motivation thereof in either van der Wolf or Anderson that would suggest the method of dispensing mercury into the light emitting chamber of a discharge lamp as recited by Claims 1, 15, 24, 33, and 44 where the mercury is introduced into a mercury dispensing chamber in the form of one or more particles of an amalgam of one or more amalgamative metals. The examiner has failed to construct a proper case for *prima facie* obviousness. Reconsideration and withdrawal of the rejections of Claims 1, 15, 24, 33 and 44 is hereby solicited.

Claims 2-14, 16-23, 25-26, and 45-51 are dependent upon independent Claims 1, 15, 24, and 44, respectively. Irrespective of the limitations contained therein, reconsideration and withdrawal of the rejections of Claims 2-14, 16-23, 25-26, and 45-51 are hereby solicited.

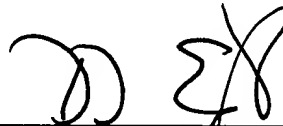
The Office Action further suggests that Claims 27-32 are obvious over van der Wolf and Anderson in further view of U.S. Patent No. 4,389,201 to Hansler, et al. (“Hansler”). Notwithstanding the improper combination of van der Wolf and Anderson as previously noted, the further reliance upon Hansler also fails to establish a case for *prima facie* obviousness. The examiner appears to have mischaracterized what Hansler fairly teaches. Hansler fairly teaches the heat treatment of a lamp to “clean the tube of any contaminants” and ensure that “moisture is driven from the tube.” (Col. 10, ll. 5 – 11) There is no teaching or motivation in Hansler that suggests to heat treat a lamp prior to positioning an amalgam to thereby protect the amalgam from high temperatures.

Therefore, Hansler cannot be relied upon to obviate the deficiencies of van der Wolf for a case of *prima facie* obviousness. Reconsideration and withdrawal of the rejection of Claim 27 is hereby solicited.

Claims 28 – 32 are dependent upon independent Claim 27. Irrespective of the limitations contained therein, reconsideration and withdrawal of the rejections of Claims 28 – 32 are hereby solicited.

A further and favorable action and allowance of all claims is hereby solicited.

Respectfully submitted,



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Dated: April 24, 2003